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IN LAFAYETTE, LA.

UNITED STATES DISTRICT COURT

OCT 25 2011

WESTERN DISTRICT OF LOUISIANA

TONY R. MOORE, CLERK

BY

DEPUTY

LAFAYETTE DIVISION

LAN TRAN

CIVIL ACTION 11-770

VERSUS

JUDGE HAIK

WARDEN TERRY TERRELL


MAGISTRATE JUDGE HILL

JUDGMENT

This matter was referred to Magistrate Judge C. Michael Hill for Report and Recommendation. After full consideration of the record, including the Objection filed by Lan Tran, the Court concludes the Report and Recommendation of the Magistrate Judge is correct and, therefore, adopts the conclusions set forth therein. Accordingly,

IT IS ORDERED that instant and successive petition for writ of *habeas corpus* filed pursuant to 28 USC section 2254 be transferred to the United states Court of Appeals for the Fifth Circuit for a determination as to whether authorization to file a second or successive petition should be granted in accordance with 28 USC section 2244(b)(3)(A).

THUS DONE and SIGNED on this 4th day of October, 2011.



RICHARD T. HAIK SR., DISTRICT JUDGE
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

10/5/11
BAH